

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13177 of the Archdiocese of Washington, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use the first, second and third floors of the subject premises as office space in an SP-1 District at the premises 1719 Rhode Island Avenue, N.W., (Square 159, Lot 841).

HEARING DATE: February 20, 1980 and March 19, 1980
DECISION DATE: April 2, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of Rhode Island Avenue, between Connecticut Avenue to the west and 17th Street, to the east. It is located in an SP-1 zone District at premises known as 1719 Rhode Island Avenue, N. W.

2. The site is presently improved with a four story semi-detached structure that was built as a residence at the turn of the century.

3. The applicant proposes to use the first, second and third floors of the premises as offices, and the fourth as storage.

4. The last recorded Certificate of Occupancy for the property, No. 106309, was issued in the early 1950's for a rooming house. Although no Certificate of Occupancy has been issued, the applicant testified that the property has been used as office space for over twenty-five years.

5. There exists to the north of the site, a twenty foot wide public alley followed by property developed in the SP District facing N Street. Abutting the site to the east is a semi-detached structure that is used by the D. C. Public Schools as classrooms. This is followed by the new YMCA building in the SP District. West of the site separated by an areaway is the Chancery of the Archdiocese. South, across Rhode Island Avenue is a parking garage and office/retail building in the C-4 District.

6. The applicant testified that the structure is used mainly by the tribunal or judicial branch of the Archdiocese, and will have a total employment of no more than nine persons, some of whom will be on a part time basis. The applicant anticipates no more than three visitors to the structure per day.

7. The applicant provides three parking spaces at the rear of the site.

8. The use, height, bulk and design of the subject structure are in harmony with existing uses and structures on neighboring properties

9. Advisory Neighborhood Commission - 2B by report dated March 19, 1980, and testimony at the public hearing, opposed the application on the grounds that the present owner operated the premises as offices without a valid Certificate of Occupancy for a number of years, and that the building could be and should be used for residential purposes. The ANC argued that the proposed use would be inappropriate because it would be a further intrusion of office use into an area that already has a negligible amount of residential use left.

10. The Dupont Circle Citizens Association opposed the application on basically the same grounds cited by the ANC.

11. As to the issue raised by the ANC and the Citizens Association, the Board finds as follows:

- a. The applicant is not requesting a use variance, and is therefore not required to prove that it cannot use the premises for residential purposes. The office of a chancery or non-profit organization is permitted in the SP-1 District as a special exception, and the Board is required to find that the applicant meets the specific criteria of Paragraph 4101.44 and Sub-section 8207.2. The Board has so found.
- b. In foregoing Findings the Board described the previous use of this site as well as use of adjoining sites. The Board finds that this block is predominantly used as offices, and that the proposed office use is not an intrusion into a predominantly residential neighborhood.
- c. As to the applicant's use of the property as offices without a valid Certificate of Occupancy, the Board finds through testimony of the applicant that there was no flagrant or disrespectful use of the property without regard to the Zoning Regulations. The applicant testified that prior to their purchase, they rented the property as offices and bought it on the assumption that that use was permitted as a matter of right. As noted

above, the Board must base its judgment on the Zoning Regulations.

12. The Office of Planning and Development, by report dated March 5, 1980 and testimony given at the public hearing, supported the application on the grounds that the proposed special exception complies with paragraph 4101.44 of the Zoning Regulations, and that its approval will not tend to adversely affect the use of neighboring properties. The Board so finds.

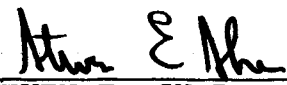
CONCLUSIONS OF LAW AND OPINION

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested relief is a special exception, the granting of which requires the applicant to prove that it has complied with the requirements of Subsection 8207.2 and Paragraph 4101.44 of the Zoning Regulations. The Board concludes that the applicant has met the burden of proof, and that the proposed use meets the specifications of the Zoning Regulations. The use, height, bulk and design of the structure will be in harmony with the use, height, bulk and design of the block within which it is located. The low level usage of the structure will not create any dangerous or objectionable traffic conditions. The applicant provides three parking spaces at the rear of the site, and no variances are requested. The approval of the application will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said Regulations and Map. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 4-0 (Charles R. Norris, Connie Fortune, William F. McIntosh and Leonard L. McCants to grant; Theodore F. Mariani not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT,

ATTESTED BY


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 JUN 1980

UNDER SUB-SECTION 8204,3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.